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Most Recent Summaries

Rideout v. Gardner

September 28, 2016

Constitutional Law, Elections

(United States First Circuit) - In a constitutional challenge to a statute meant to avoid vote buying and voter intimidation by newly forbidding citizens from photographing their marked ballots and publicizing such photographs, commonly referred to as 'ballot selfies,' N.H. Rev. Stat. Ann. section 659:35, the District Court judgment that the statute is a content-based restriction of speech that on its face violates the First Amendment is affirmed on the narrower ground that the statute as amended fails to meet the test for intermediate scrutiny under the First Amendment and that the statute's purposes cannot justify the restrictions it imposes on speech.

McCue v. City of Bangor Maine

September 26, 2016

Civil Rights, Criminal Law & Procedure

(United States First Circuit) - In an interlocutory appeal, brought by defendants in a 42 U.S.C. section 1983 action alleging excessive force and assault and battery under the Maine Tort Claims Act (MTCA), Me. Stat. tit. 14, sections 8101-8118, filed after plaintiff's tragic death resulting from his encounter with the five police officer defendants, the appeal is dismissed where the court lacks jurisdiction over the defendants' interlocutory appeal, as there are material factual issues in dispute about the time at which decedent ceased resisting and the degree of force the officers continued to use against him after that point.

Boston Redevelopment Auth. v. Nat'l Park Serv.

September 23, 2016

Property Law & Real Estate, Administrative Law, Environmental Law, Government Law

(United States First Circuit) - In a suit brought by the Boston Redevelopment Authority (BRA) against the National Park Service (NPS) involving the Land and Water Conservation Fund (LWCF), a fund administered under the eponymous and seldom litigated Land and Water Conservation Fund Act (LWCF Act), 54 U.S.C. sections 200301-200310, the District Court's judgment in favor of defendant NPS is affirmed where that NPS acted neither arbitrarily nor capriciously in making the determination that a particular piece of real estate on the northern side of Long Wharf is subject to Section 6(f) restrictions and thus cannot be commercially developed and must remain open for recreational use.

Angiuoni v. Town of Billerica

September 23, 2016

Labor & Employment Law, Evidence, Military Law

(United States First Circuit) - In a military veteran's claim against a Town and Chief of Police under the Uniform Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. section 4301-4335, claiming that his status as a veteran was a motivating factor for defendants' termination of his employment, the District Court's entry of the jury verdict in favor of defendants is affirmed over defendant's contention that the District Court made a series of errors in its evidentiary rulings that warrant a new trial.

Legal v. Lynch

September 23, 2016

Immigration Law, Administrative Law

(United States First Circuit) - In a Haiti citizen and native's petition for review of the Board of Immigration Appeals (BIA) order denying his claims for asylum, withholding of removal, and protection under the United Nations Convention Against Torture (CAT), the petition is denied where the Immigration Judge properly found that petitioner's testimony was not credible and, thus, that he was unable to establish eligibility for relief.